

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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| DAVID LANE JOHNSON, |) | CASE NO. 5:17-cv-0047 |
| |) | |
| PLAINTIFF, |) | JUDGE SARA LIOI |
| |) | |
| vs. |) | BRIEFING ORDER |
| |) | |
| NATIONAL FOOTBALL LEAGUE |) | |
| PLAYERS ASSOCIATION, et al., |) | |
| |) | |
| DEFENDANTS. |) | |

Before the Court is defendants' Motion for Clarification regarding the briefing schedule. (Doc. No. 46.) This clarification is necessary because the procedural posture relating to the pleadings and motions has become unclear and unwieldy. The Court will not permit this to continue, and will, if appropriate going forward, sanction any counsel and/or party who violates the orderly procedures as set forth below.

The Court now makes the following rulings:

I. All previously ordered deadlines are **vacated**.

II. The following documents are hereby **stricken** from the record:

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|-------------|----|--|
| Doc. No. 3 | -- | Plaintiff's Motion to Vacate Arbitration Award (<i>See</i> Section III) |
| Doc. No. 33 | -- | Defendant NFLPA's Opposition to #3 |
| Doc. No. 49 | -- | Plaintiff's Reply to #33 |
| Doc. No. 43 | -- | Plaintiff's Opposition to #26 (<i>See</i> Section VI) |
| Doc. No. 44 | -- | Defendant NFLPA's Supplemental Opp'n to #3 (<i>See</i> Section III) |

III. Plaintiff shall file a new motion to vacate arbitration award, based upon the first amended complaint, by no later than March 17, 2017. Any opposition will be due by April 14, 2017; any

reply will be due by April 28, 2017. If this case is ultimately transferred, the transferee court will decide this motion.

IV. Defendant NFLPA filed a motion to transfer venue (Doc. No. 16); plaintiff filed his opposition (Doc. No. 29); and defendant NFLPA filed its reply (Doc. No. 37). Defendant NFLPA also filed a supplement to its motion (Doc. No. 47), with leave of Court, to address the first amended complaint. Plaintiff is granted leave until March 31, 2017 to file a supplemental opposition; and defendant will have leave until April 10, 2017 to file a supplemental reply. Thereafter, this Court will take all of these documents under advisement.

V. Defendants NFL and NFL Mgmt. Council filed a motion to dismiss or, in the alternative, to transfer venue (Doc. No. 22); plaintiff filed his opposition (Doc. No. 35); and defendants NFL and NFL Mgmt. Council filed their reply (Doc. No. 38). Pursuant to a previous order, defendants NFL and NFL Mgmt. Council timely filed a supplement to their motion, in light of the first amended complaint. (Doc. No. 48.) Plaintiff shall have until March 31, 2017 to file any supplemental opposition, and defendants NFL and NFL Mgmt. Council shall have until April 10, 2017 to file any supplemental reply.

VI. Defendant NFLPA filed a motion to dismiss (Doc. No. 26 [Sealed Doc. No. 27]); plaintiff's opposition (Doc. No. 43) has been stricken. (*See* Section II.) Defendant NFLPA, per previous order, filed a supplement to this motion, in light of the first amended complaint. (Doc. No. 50.) Plaintiff shall have until March 31, 2017 to file his opposition to the motion, as

supplemented; defendant NFLPA shall have until April 10, 2017 to file a reply to plaintiff's opposition.

Under no circumstances shall any other supplemental documents be filed in this case until further order of Court permits it. Any document filed, other than those outlined above, will be stricken from the record and the Court will consider levying sanctions upon the filer.

The Court plans to resolve the issue of transfer first. If the case is to be transferred, the Court will do so after all the above briefing is complete, including briefing on the yet-to-be filed new motion to vacate the arbitration award. Therefore, the earliest possible date of transfer, if any, would be May 1, 2017. If there is a transfer, the motion to vacate the arbitration award will be ripe for consideration by the transferee court.

In the meantime, the parties are encouraged to consider resolving this case on mutually-agreeable terms.

IT IS SO ORDERED.

Dated: March 10, 2017



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE